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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 THIS DOCUMENT RELATES TO:

11 IN RE: SOCIAL MEDIA ADOLESCENT
12 ADDICTION/PERSONAL INJURY PRODUCTS
13 LIABILITY LITIGATION

14 -----
15 *People of the State of California, et al. v. Meta
Platforms, Inc., et al.*

16 MDL No. 3047

17 Case Nos. 4:22-md-03047-YGR-PHK

18 4:23-cv-05448-YGR

19 **DRAFT JURY INSTRUCTIONS AND
20 VERDICT FORMS**

21 Judge: Hon. Yvonne Gonzalez Rogers

22 Magistrate Judge: Hon. Peter H. Kang

1 Pursuant to the Court's direction at the August and September 2025 Case Management
2 Conferences, enclosed please find the draft jury instructions and verdict forms jointly prepared by the
3 State Attorneys General and the Meta Defendants for the purpose of informing trial-planning
4 discussions. In addition, each Party has submitted a brief statement regarding the proposed
5 instructions and verdict forms. A color key is provided below to indicate language that remains at
6 issue.

Black	Uncontested by either side following negotiations
Red	State AG proposed language
Blue	Meta proposed language

STATE ATTORNEYS GENERAL'S OVERVIEW & SUMMARY OF POSITIONS

The State AGs welcome this opportunity to assist the Court in understanding the scope of the elements required under each state’s consumer protection laws, in addition to the requirements for COPPA claims. These materials highlight the substantial commonalities in elements across the states’ jurisdictions and reflect the Parties’ relative proximity to agreement on key substantive issues. Meta seeks to turn this exercise into an opportunity to brief disputes over individual states’ legal requirements and instructions, and while the State AGs have included preliminary responses to counter those arguments, these positions are non-exhaustive and set forth without prejudice to future arguments to be made at the appropriate time, including those to be raised in forthcoming summary judgment motions or in motions in limine.

A bipartisan coalition of State AGs sued together on the same Complaint, setting forth the same facts and the same legal theories against Meta regarding the harms its products perpetuate amongst youth across the country and its deceptive conduct related to those harms. This coalition of State AGs have identical interests in enforcing their states' laws and protecting their citizens from the same deceptive and abusive conduct that has the same effect upon each states' citizens.

Despite minor textual variations—such as differences in statutory phrasing or available remedies—the core legal standards under each relevant state’s consumer protection laws are materially aligned. Accordingly, the State AGs asserting consumer protection claims in this case intend to present at trial the same witnesses (both fact and expert), the same documentary evidence, and articulate the same overarching legal theories. Indeed, all states are asserting COPPA claims, and multiple states have consumer protection claims predicated on COPPA violating conduct. While the Parties have disputes regarding certain aspects of the proposed jury instructions, these disagreements often reflect recurring themes. For example, Meta frequently seeks to introduce additional elements such as intent or privity in consumer protection statutes or to revisit statutory construction issues that have already been resolved. These disputes underscore the shared architecture of the states’ consumer protection laws.

Meta seeks to use this jury instruction and verdict form exercise to argue that the State AGs' case must be severed into multiple trials. First, it is procedurally improper. Meta fails to identify any legal authority that would permit severance of this case—brought and litigated together by the State

1 AGs—into several separate trials, particularly given the State AGs common claims and interests.
2 Second, the jury instructions and verdict forms show that even if this case were severable in the
3 manner Meta advocates, such an approach would not serve judicial economy and would instead create
4 substantial and unnecessary burdens on the parties, the Court, and any witnesses who would be asked
5 to testify at multiple trials. Should the Court nonetheless consider this approach, the State AGs
6 respectfully request that a briefing schedule be set so that the parties can fully set forth their positions
7 in writing and the matter can be heard at an upcoming CMC.

8 The Parties diverge most significantly on the structure of the proposed verdict forms. The
9 State AGs' proposed forms closely follow the general verdict format outlined in this Court's Standard
10 Order re: Pretrial Instructions in Civil Cases, Section 3.j. This format offers a clear, legally sound,
11 and efficient mechanism for the jury to render its verdict. In contrast, Meta's proposed verdict forms
12 turn simple elements into interrogatories – which often do not align with the legal standards. Meta's
13 fragmented and unnecessarily interrogatory-heavy proposed verdict forms create substantial risk of
14 confusion, inconsistent verdicts, and legal error. The AGs' approach better preserves the jury's role
15 as factfinder and avoids unnecessary complexity—particularly where claims are presented in the
16 alternative (e.g., unfair vs. deceptive practices).

17 For these reasons, the State AGs respectfully submit that their proposed instructions and
18 verdict forms provide the most faithful and functional framework for guiding the jury's deliberations
19 and ensuring a verdict that is both legally sound and practically reliable.

META'S STATEMENT REGARDING PROPOSED DRAFT JURY INSTRUCTIONS AND VERDICT FORMS

After conferring and exchanging several rounds of drafts, the parties have resolved numerous disagreements as to the structure and substance of these preliminary instructions and verdict forms. In case helpful to the Court, Meta briefly sets forth below certain trial-planning considerations and its position as to certain remaining disagreements, which it will be prepared to discuss further at the October 24 CMC:

Trial-Planning Considerations: Given the numerous material variations across the states' laws, it does not appear to Meta that there is any fair and administrable way to combine all 29 states—including 18 states with consumer protection claims—in a single trial. Even a verdict form directing the jury to proceed element-by-element in assessing the AGs' claims (discussed below) is not sufficient to solve the administrability issues given the various elements and definitions across the 18 states' consumer protection statutes. For example, 9 states require intent for either or both deception or unfairness claims, 10 states require intent for entitlement to civil penalties, and there are further nuances among those states as to how intent and/or willfulness are defined and applied to the facts. Trying these claims together in a single trial risks prejudice to Meta because, as the AGs already seek to exploit in their proposed instructions, the absence of an element in one state's statute may lead a jury to underestimate or disregard the burden for another state where that element is required. In addition, evidence the AGs seek to introduce in support of certain claims may be unduly prejudicial to Meta's ability to defend itself against other claims. Certain issues and/or claims, moreover, may be suitable to a bench trial rather than a jury trial. These issues may make the case appropriate for trial of a subset of states or claims first, or bifurcation in some form. Meta proposes that the parties continue conferring about these issues in advance of the October 24 CMC.

Verdict Form: To the extent multiple states are tried together, a special verdict form is necessary to adequately reflect the numerous substantive variations across the states' consumer protection laws. Such a form will promote consideration of each element in light of those variations and mitigate the risk of a jury conflating standards across states that may seem similar but are actually materially different—as becomes clear when the questions are broken out. The verdict form should

1 also require the jury to address each allegedly deceptive statement and/or unfair practice individually
2 to enable the Court to determine the number of violations (if any) for assessing any penalties and
3 structuring any injunctive relief based on which practices (if any) any jury finds unfair.

4 **Jury Instructions:** Among other remaining disagreements in the instructions, it risks juror
5 confusion and prejudice to instruct the jury that the AGs do not need to prove certain elements as part
6 of their claims, particularly with respect to elements (such as causation and intent) that already vary
7 significantly across the states that do require them. Meta also objects to the extent the AGs seek to
8 characterize the state statutes' protections as "broad" or to instruct the jury to "liberally construe"
9 certain statutory provisions. It is the role of the Court to interpret the law, and the role of the jury to
10 apply the law as instructed by the Court, without further interpretation.

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2 Under Civ. L.R. 5-1(h)(3), I hereby attest that all signatories listed, and on whose behalf the
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7 *Philip J. Weiser, Attorney General*

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